

EX

Notice of Allowability

Application No.

10/721,842

Examiner

Rene Garcia, Jr.

Applicant(s)

BURKE ET AL.

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-4, 8-17, 19 and 20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION
EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kirk Berkhimer on 19 January 2006.

The application has been amended as follows:

In The Claims:

Claim 1, line 8, after "performing" delete "one of"

Claim 1, line 10, after "imaging pass," delete "and"; insert "and/or"

Cancel Claim 5

Cancel Claim 6

Cancel Claim 7

Claim 8, line 8, after "performing" delete "one of"

Claim 8, line 10, after "imaging pass," delete "and"; insert "and/or"

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of claim 1 is the inclusion of the method steps being performing a left imaging pass by starting a secondary imaging pass right of the primary imaging pass such that the enabled neighboring operational ink jet is lined up horizontally where the disabled ink jet started on the

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primary imaging pass, and/or a right imaging pass by starting a secondary imaging pass left of the primary imaging pass such that the enabled neighboring operational ink jet is lined up horizontally where the disabled ink jet started on the primary imaging pass. It is these steps found in each of the claims, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

3. The primary reason for the allowance of claim 8 is the inclusion of the method steps being performing a left imaging pass by starting a secondary imaging pass right of the primary imaging pass such that the enabled neighboring operational ink jet is lined up horizontally where the disabled ink jet started on the primary imaging pass, and/or a right imaging pass by starting a secondary imaging pass left of the primary imaging pass such that the enabled neighboring operational ink jet is lined up horizontally where the disabled ink jet started on the primary imaging pass.. It is these steps found in each of the claims, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

4. The primary reason for the allowance of claim 14 is the inclusion of the limitations being for a printer including a print engine having image rendering and handling software commands to enabled or disabled one or more user selected jets wherein once user selected jets are determined to have failed one or more non-failed jets neighboring the one or more failed jets are enabled to substitute for the one or more failed jets, wherein subsequent print jobs command the print engine with a flag indicating whether or not the print engine may perform failed jet substitution. It is these limitations found in each of the claims, as they are claimed in the

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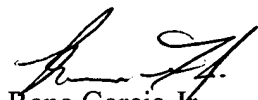
combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Communication with the USPTO

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Garcia, Jr. whose telephone number is (571) 272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Rene Garcia Jr
17 January 2006


K. FEGGING
PRIMARY EXAMINER 1/06